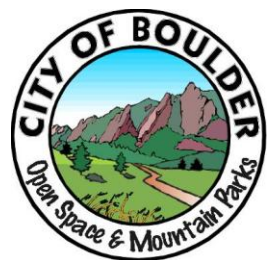


Public Review Draft

City of Boulder
Open Space and Mountain Parks

Commercial Use Permit Program Evaluation

May 2012



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BACKGROUND

The Commercial Use Permit Program was included in the Visitor Master Plan (VMP) with the purpose of protecting resources and ensuring high-quality visitor experiences. The Program was implemented in January 2007, and has remained largely unchanged since it began. At its March 30, 2011 meeting, Boulder City Council identified “overarching issues” concerning the long-term sustainability of Open Space and Mountain Parks (OSMP) resources. A review of the Commercial Use Permit Program was one of the identified issues.

The purpose of this evaluation is to determine whether to continue the Commercial Use Permit Program (the Program) and if yes, what modifications (if any) should be made in order to best meet the goals of the Program.

POLICY GUIDANCE

Boulder’s City Charter, the Boulder Valley Comprehensive Plan, and the Open Space Long Range Management Policies establish the broad vision, overarching goals and priorities for OSMP (Figure 1). The VMP describes policies and strategies to deliver a high-quality visitor experience and sustainable facilities in a manner consistent with the conservation of natural and cultural resources. Other plans including resource management plans and trails study area plans provide additional management direction. Together these plans set forth a comprehensive set of priorities, describe the on-the-ground actions, acquisition priorities and policies that focus the vision, and make it real.

The VMP provides policy direction, management strategies, measures of success and funding approaches to achieve the goals of enhancing the visitor experience, improving access, and protecting natural and cultural resources. The VMP identified key problems or areas of improvement and strategies to address them. The Commercial Use Permit Program was included in the VMP with the purpose of protecting resources.

The Visitor Master Plan (VMP) directed staff to “Implement a commercial use permit program consistent with city-wide policy.” The VMP also provided the following additional guidance:

- Permit proposed commercial activities that are compatible with protection and preservation of Open Space and Mountain Parks (OSMP) lands and resources that support OSMP values.
- Direct commercial uses to appropriate sites and locations, which can adequately handle the activity impacts.
- Minimize the impact of the approved activity on the safety and quality of other visitors’ experiences.
- Minimize the impact of the approved activity on natural, agricultural, and cultural resources.
- Promote the Leave-No-Trace ethic to permittees and activity participants.
- Fees will be imposed to recover the costs of permit processing, oversight, and management. Permit conditions are placed on the activity to minimize impact.

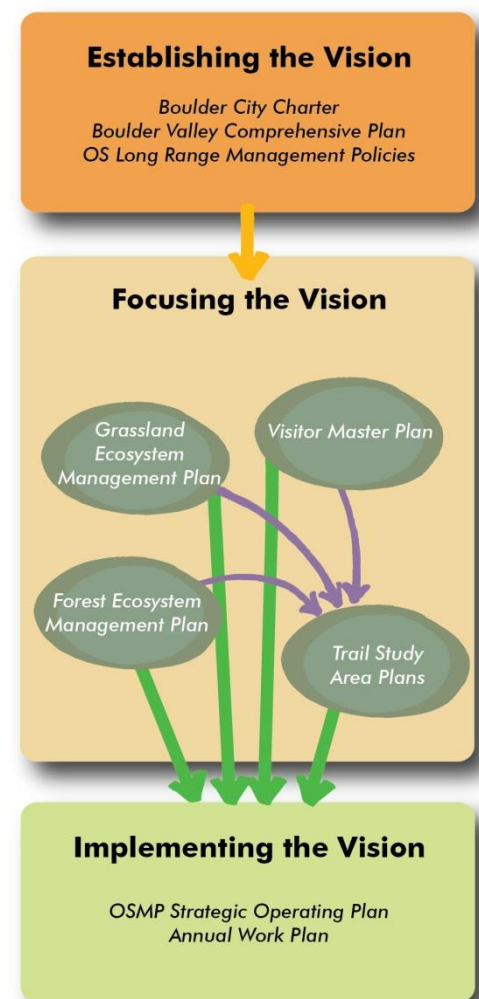


Figure 1: OSMP Plan Relationships

PROGRAM GOALS

There are three main goals of the Program:

- 1) Minimize the impact of commercial activity on natural and other resources.
- 2) Minimize the impact of commercial activity on the visitor experience.
- 3) Make the permit application relatively simple and convenient, easy to administer, and accurately track.

In addition to the above specific goals of the Program, commercial operators also assist OSMP in the goal of connecting people to nature. Whether operators are educating participants about nature or instructing participants on the art and mechanics of climbing, biking, para/hangliding, etc. they are building often long lasting connections to the land. Commercial operators provide a desired and beneficial service to the community, one which OSMP alone cannot fulfill.

DEFINITION OF COMMERCIAL USES

Commercial uses are defined as any activity that brings people and/or animals to OSMP lands (including: trailheads, parking areas, shelters or picnic areas) and for which fees are charged for services. The fee can be a charge, dues, purchase of goods or services, or a required donation for a service or as a condition of participation. Commercial operators include for-profits and non-profits. Examples include commercial filming and guided activities (e.g., climbing, hiking, fishing). Examples of situations that do not require a commercial use permit include regular curricular school trips, group outings for which a fee or monetary compensation is not collected, and groups on an OSMP led interpretive hike.

TYPES OF COMMERCIAL USE PERMITS

There are three types of commercial use permits – “Annual”, “Limited”, and “Event”.

Annual Permits

Annual permits are issued to commercial operators who have more than 50 total person visits in any one calendar year to OSMP lands or facilities, have more than 16 participants in any one trip, or who go off trail. A person visit is one person visiting OSMP one day. (For example, 10 people with one leader for one day counts as 11 person visits.) However for ease of reading, person visits are hereafter referred to as “visits”. Annual permits provide for an unlimited number of visits. The cost of an Annual permit is \$300, \$150 for non-profit or governmental organizations and they are valid until December 31 of the year issued.

Limited Permits

Limited permits are issued to commercial operators who have less than 50 visits to OSMP lands or facilities in any one calendar year, have group sizes of less than 16 participants, and who agree to stay on the trail. The cost of a Limited permit is \$50 and it is valid until December 31 of the year issued.

Event Permits

Event permits are issued to commercial operators desiring a one-time event or an event spanning less than two weeks on OSMP lands. Event permits are valid for the date(s) listed on the permit. The cost of an Event Permits is \$300; \$150 for non-profit or governmental organizations.

COMMERCIAL USE PERMIT PROGRAM TERMS AND CONDITIONS

The following terms and conditions apply to all commercial use permit holders:

1. Operator or group leader must have the permit in possession when leading a trip.
2. Operator and participants must comply with all OSMP rules and regulations.
3. Group size must not exceed what has been approved by OSMP.
4. Operator must obtain additional permission from OSMP to have groups of more than 16 people.
5. Operator must communicate Frontcountry Leave No Trace principles and permit terms and conditions to all participants. Frontcountry Leave No Trace principles include:
 - Manage Your Dog
 - Pick Up Poop
 - Trash Your Trash
 - Leave It As You Find It
 - Stick To Trails
 - Share Our Trails
6. At least one group leader must be certified in standard First Aid/CPR on all trips. Dog walkers, photographers, and those engaged in filming are excluded from this requirement.
7. Commercial Use Permits may be immediately suspended, revoked, or modified at any time for any reason by the city.
8. Permits do not grant permission to enter or conduct activities in areas that are permanently or temporarily restricted or closed.
9. Operators must indemnify, defend, and hold harmless the City of Boulder and its agency employees for losses, damages, or judgments and expenses on accidents.
10. OSMP lands are available on a first-come-first-served basis for all visitors. Permits do not grant the right to displace other visitors from an area.
11. Permits do not grant exclusive use of the site. Permittees must ensure that the rights and privileges of other visitors are recognized and met
12. Operators are not allowed to interfere with other uses of OSMP or other visitors. (e.g. activity will not obstruct trails, access, or parking.)
13. No improvements or trail alterations of any kind, temporary or permanent, are authorized without written permission from OSMP. No building, sign, equipment, other property, cultural site, historic structure, natural land feature, vegetation, or wildlife may be destroyed, defaced, removed, or disturbed.
14. No amplified sound or electric generators will be used.
15. No sales or solicitation for sales is to be conducted on OSMP property.
16. If use of an OSMP shelter or facility is desired, operator may need to make a reservation.
17. Commercial operators interested in filming on OSMP may be required to complete and abide by the provisions of the City of Boulder Filming Application.
18. Permit holders who travel off- trail in Habitat Conservation Areas will need to have an off-trail permit.

The following additional terms and conditions apply to Limited Permit holders:

1. Activity must occur on designated trails. Commercial climbing guides are authorized access to climbs with designated access trails.
2. Group size must always be 16 or fewer.
3. Dogs must always be on leash (if permitted in area visited).
4. All trash must be packed out.

The following additional terms and conditions apply to trips with more than 16 participants (Annual or Event permit holders):

1. Activity must occur on designated trails.
2. In order to mitigate on-trail conflict participants must break into groups with 16 or fewer participants upon entering OSMP lands, and practice good trail etiquette including yielding to others.
3. Dogs must always be on leash (if permitted in area visited).
4. Group leaders must be trained in Leave No Trace principles (Awareness Workshop, Trainer or Master Trainer, or Leave No Trace curriculum in the program.)
5. Describe each trip on the application form and include all pertinent details.
6. Groups with more than 50 participants shall provide a plan addressing parking, trash and restroom facilities.
7. Additional permit-specific conditions may apply.

The penalty for conducting commercial activity without a permit is a \$500 bond with a mandatory court appearance. The penalty for violating the terms and conditions of a permit is a \$250 bond with a mandatory court appearance.

APPLICATION PROCESS

Applying for a Permit

The application process is the same for all three types of permits.

Applying is a two step process:

1. Permit applicant completes the online application and payment information for the permit. This includes:

- Agreeing to the terms and conditions
- Entering pre-trip details including:
 - Dates the applicant anticipates visiting OSMP
 - Estimated group size for every trip
 - Anticipated trails to be used on every trip
 - Anticipated time of day for every trip
 - Type of activity for every trip

Depending on how many trips the applicant is planning, the online application takes between a half hour and two hours.

- Submitting payment

2. Permit applicant mails, faxes or delivers proof of insurance and affidavit.

- Insurance requirements for all permit holders is the same. The general liability coverage for permittees must be in a form acceptable to the city attorney in an amount of not less than \$150,000 per person and not less than \$600,000 per occurrence.

Notification of Approval/Denial

OSMP responds to applicants within 14 days. Applicants are notified that their permits have been approved or denied primarily by email. OSMP policy is to offer no refunds.

Reporting and Tracking

All permit holders must report on events and trips after they occur. Event permit holders must complete a report on the event within one week after it ends. Limited and Annual permit holders must complete a report at the end of the permit's calendar year. Permit holders are expected to record the details of each trip as they occur throughout the year to ensure accurate reporting. Any permittee who fails to meet the reporting requirements may not be issued a future permit.

COMMUNITY SUPPORT

There have been three surveys administered to City of Boulder residents that asked questions regarding commercial uses on open space.

In the 1994 Open Space Use and Management Survey (City of Boulder) respondents rated how strongly they favored or opposed various commercial activities occurring on Open Space. Photography class and nature studies received favorable ratings while renting and boarding horses received somewhat unfavorable ratings. Hang-gliding and rock climbing received neutral ratings.

Table 1: Question and results from the 1994 Open Space Use and Management Survey

<i>"I am going to list a number of commercial activities for which Open Space might be used. The vendors which sponsor these activities would receive money for providing the services. Please rate the following activities in terms of how strongly you favor or oppose these commercial activities occurring on Open Space on a scale of 1 to 5 with 1 representing strongly favor and 5 strongly oppose."</i>	
Hang gliding class	3.1
Nature class	1.7
Photography class	1.9
Rented horses	3.6
Horse boarding	3.8
Rock climbing class	2.8

The 1999 Open Space Attitudinal Survey (City of Boulder) asked respondents about methods of dealing with conflict or crowding – limiting commercial users was listed as one of the methods. Of those who responded, 68% were favorable to limiting commercial users.

Table 2: Question and results from the 1999 Open Space and Attitudinal Survey

<i>"Several methods have been suggested to deal with conflict or crowding. I will describe them. Please tell me if you feel that each is extremely appropriate, somewhat appropriate, not very appropriate, or not appropriate at all."</i>					
Limiting commercial users such as horse liveries and companies which teach outdoor activities like climbing or hang gliding	Extremely Appropriate	Somewhat Appropriate	Not Very Appropriate	Not Appropriate At All	No Response
	23%	45%	17%	11%	5%

The 2004 Open Space and Mountain Parks Attitudinal Survey (City of Boulder) asked respondents about balancing uses and reducing conflict.

Table 3: Question and results from the 2004 OSMP Attitudinal Survey

<i>"The folks at OSMP try to keep recreation activities, on one hand, in balance with preservation of wildlife habitat and ecosystems, on the other. They also work to reduce conflict among visitors. They currently are considering a number of strategies to help do this. Tell me, based on what you know or have heard, if you feel that it is very appropriate, somewhat appropriate, or somewhat inappropriate or very inappropriate."</i>					
Require a permit and fee for commercial uses	47%	32%	12%	7%	2%

COMMERCIAL USE PERMIT PROGRAM SUMMARY

APPROVED PERMITS

There has been an increase in the number of approved permits each year. The number of permits issued in 2011 is almost double the number of permits issued in 2007. This increase is believed to reflect both increased activity and increased community awareness that commercial use permits are required.¹

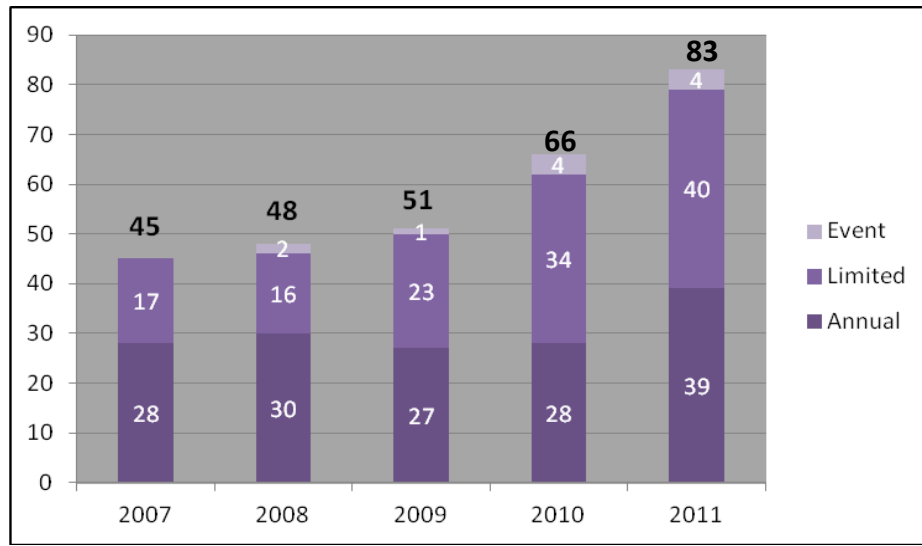


Figure 2: Approved Commercial Use Permits '07-'11

COSTS AND REVENUE

The cost of staff time to administer the Program ranges between \$20,500 and \$32,700 annually.

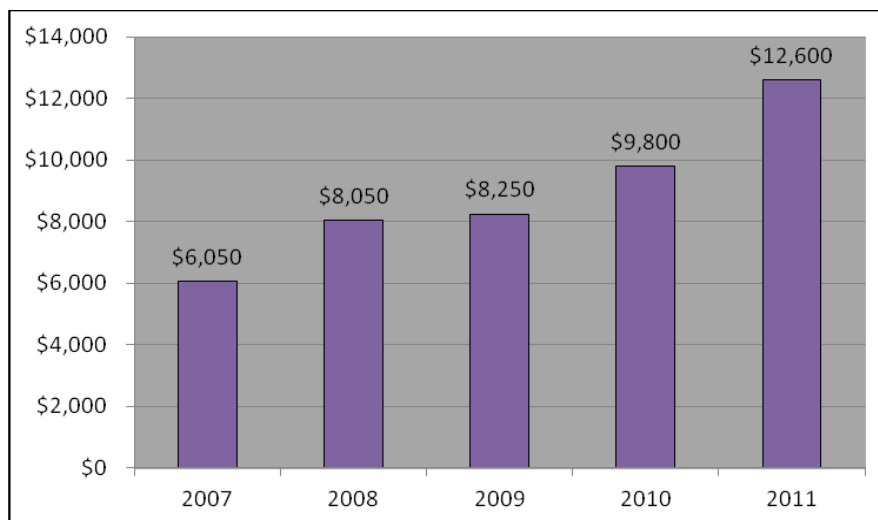


Figure 3: Revenue from Commercial Use Permits '07-'11

¹ Please see Appendix A for the list of commercial operators.

PLANNED AND REPORTED TRIPS AND VISITS

The planned trip and visits data is collected from the pre-trip information applicants submit as part of the application process. The reported trip and visits data is collected from the annual reports applicants provide at the end of the year².

The planned trip data suggests there has been an increase in trips each year, with a relatively large increase from 2010 to 2011. The reported trip data suggests a much smaller increase of trips over the years. There were 35 more reported trips in 2011 than there were in 2009 and a smaller but relatively consistent number of trips in 2007, 2008, and 2010.

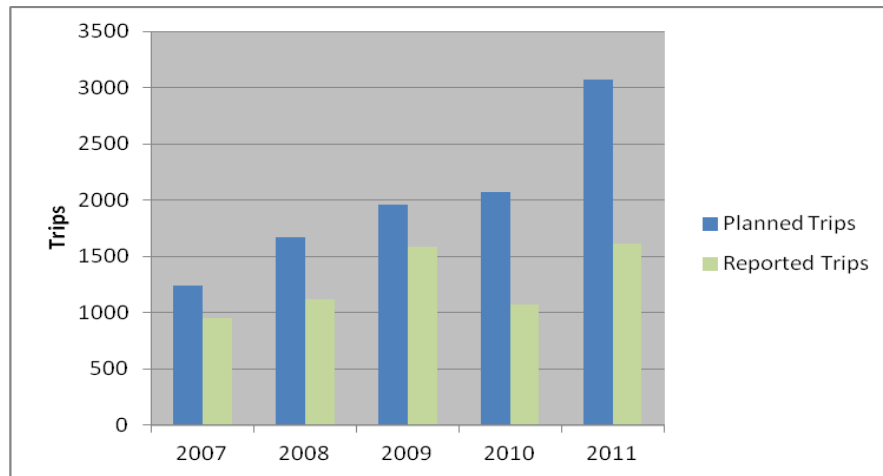


Figure 4: Planned and Reported Trips '07-'11

The planned visits data suggests a large increase in the number of visits from 2007 through 2009, and a relatively consistent number of visits thereafter. The reported visits data suggests a similar increasing trend from 2007 through 2009, however there was a drop in the number of visits in 2010 and 2011.

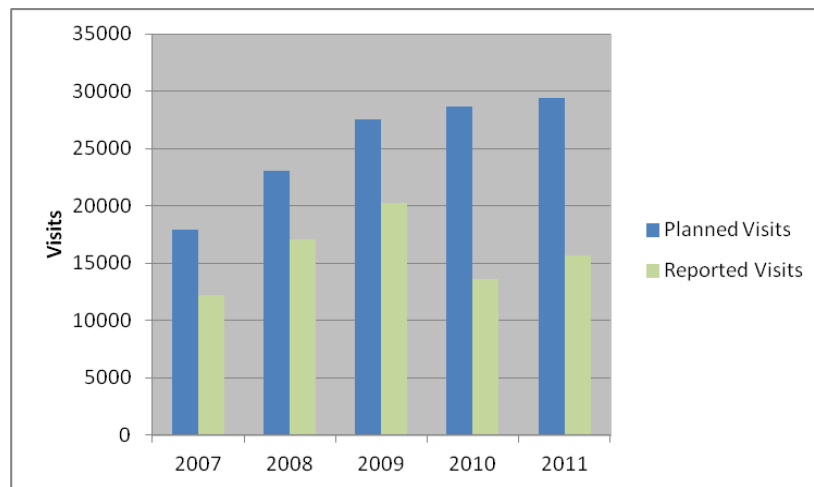


Figure 5: Planned and Reported Visits '07-'11

It is likely that the planned trips and visits are overestimated as operators attempt to “cover the bases” and ensure they will be able to operate whenever they are able. The reported trips and visits data is a more accurate gauge of the level of activity since operators have committed to keep track of each trip and number of participants throughout the year. Using the reported visits data, commercial use accounts for between 0.25% and 0.43% of the total number of annual visits to open space³.

² For the planned and reported trips and visits data please see Appendix B: Planned and Reported Trips and Visits Data.

³ Based on the 4.7 million visits estimate from the 2004-05 OSMP Visitation Study.

Climbing had the largest number of reported trips every year except in 2008 when nature education had more. Nature education had the second highest number of trips all other years.

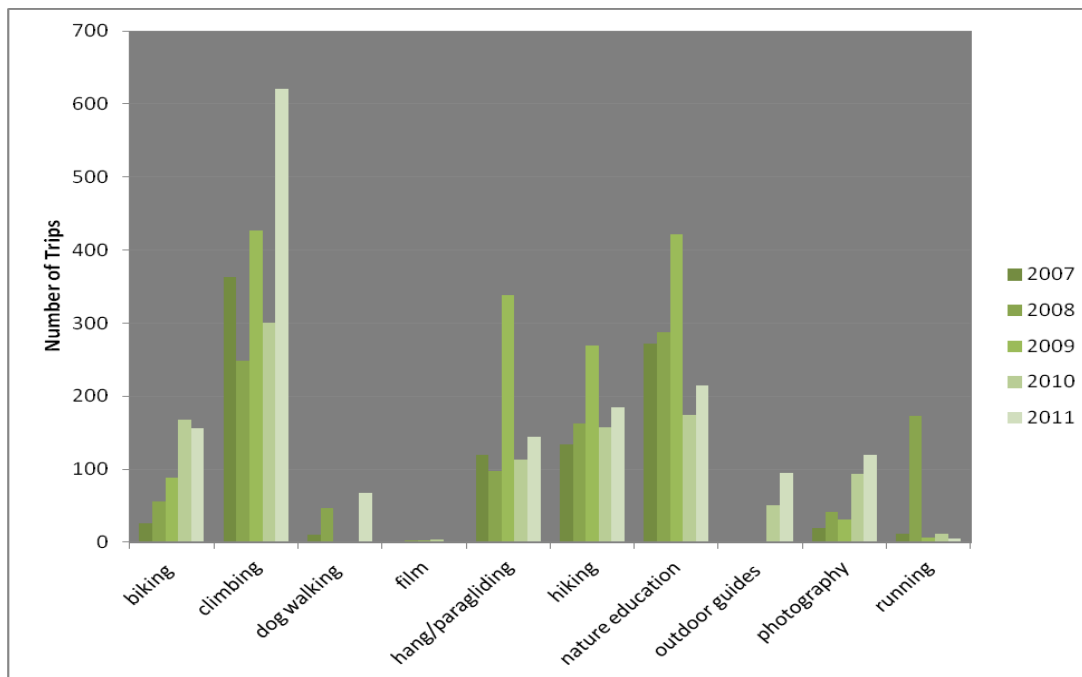


Figure 6: Reported Trips by Activity '07-'11

Nature education had the largest number of participants every year. Hiking and climbing have similar numbers of participants, with some years hiking having more participants, other years climbing having more.

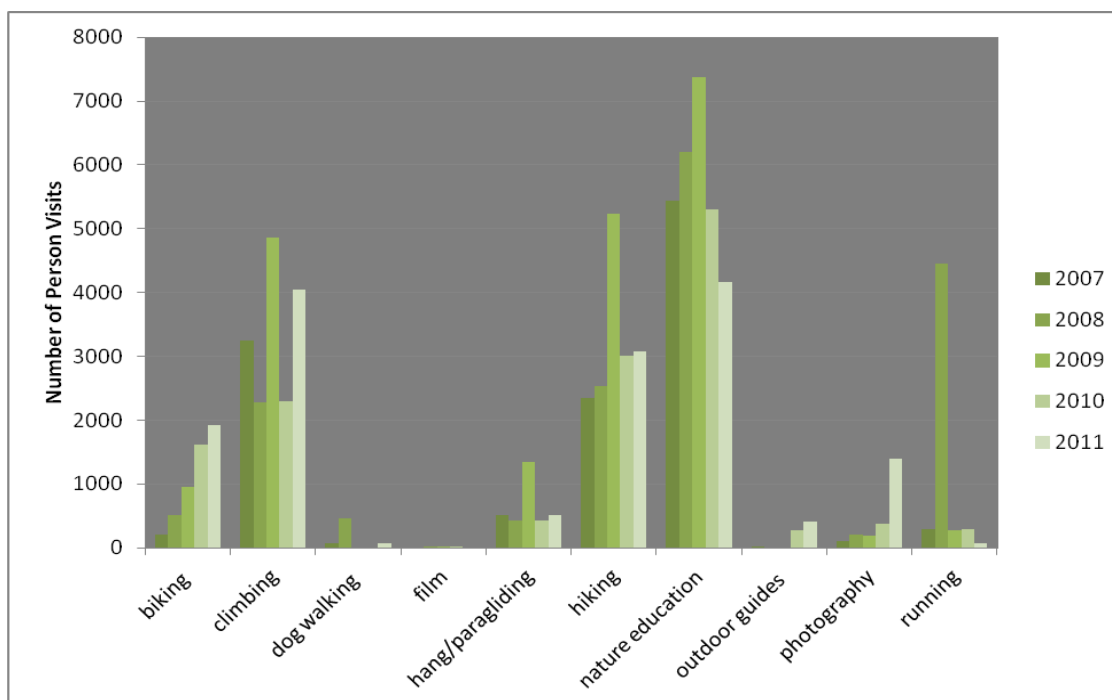


Figure 7: Reported Visits by Activity '07-'11

Please see Appendix C for the planned trips and visits by activity.

In 2011 climbing had the highest percentage of commercial trips on open space. Nature education and hiking had the second and third highest percentages of trips.

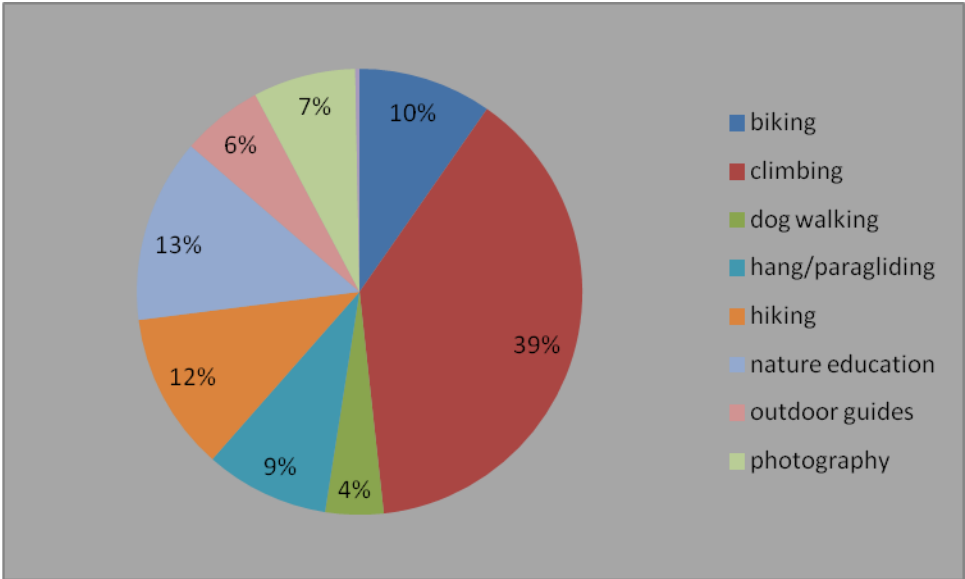


Figure 8: 2011 Reported Trips by Activity⁴

In 2011 nature education and climbing commercial use generated approximately the same number of visits to open space. Hiking generated the third largest number of visits.

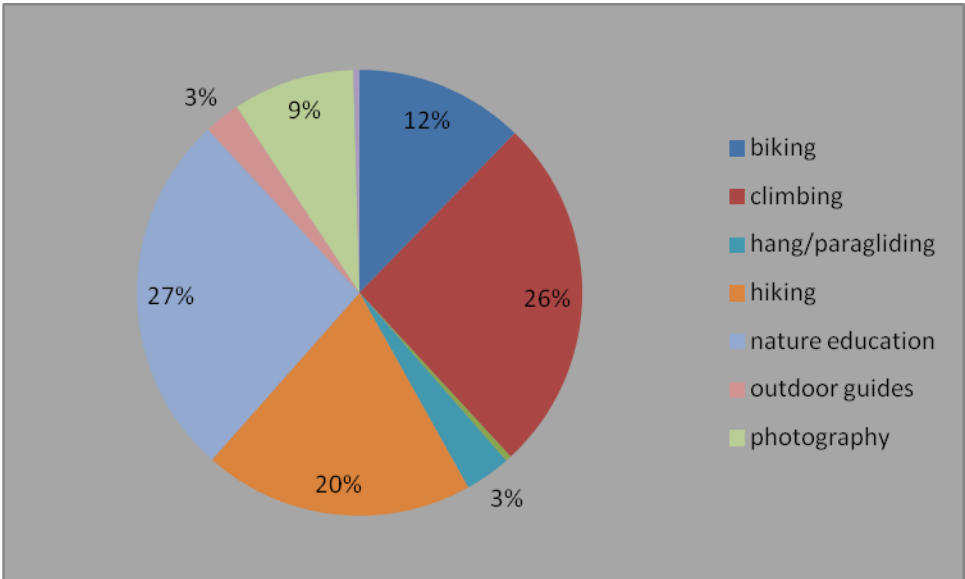


Figure 9: 2011 Reported Visits by Activity⁵

Please see Appendix D for charts illustrating the activities of the reported trips and visits for 2007-2011.

⁴ Only activities that accounted for more than 1% of the total commercial trips are illustrated.

⁵ Only activities that generated more than 1% of the total commercial visits are illustrated.

GROUP SIZE

Running had the largest average group size in all years except in 2011 when outdoor guides had the largest. (In 2009, climbing and outdoor guides had the same average group size as running.) Nature education and outdoor guides have similar average group size (except for 2010) and are generally the next largest. The average group size for hiking and climbing tend to vary more than other activities from year to year.

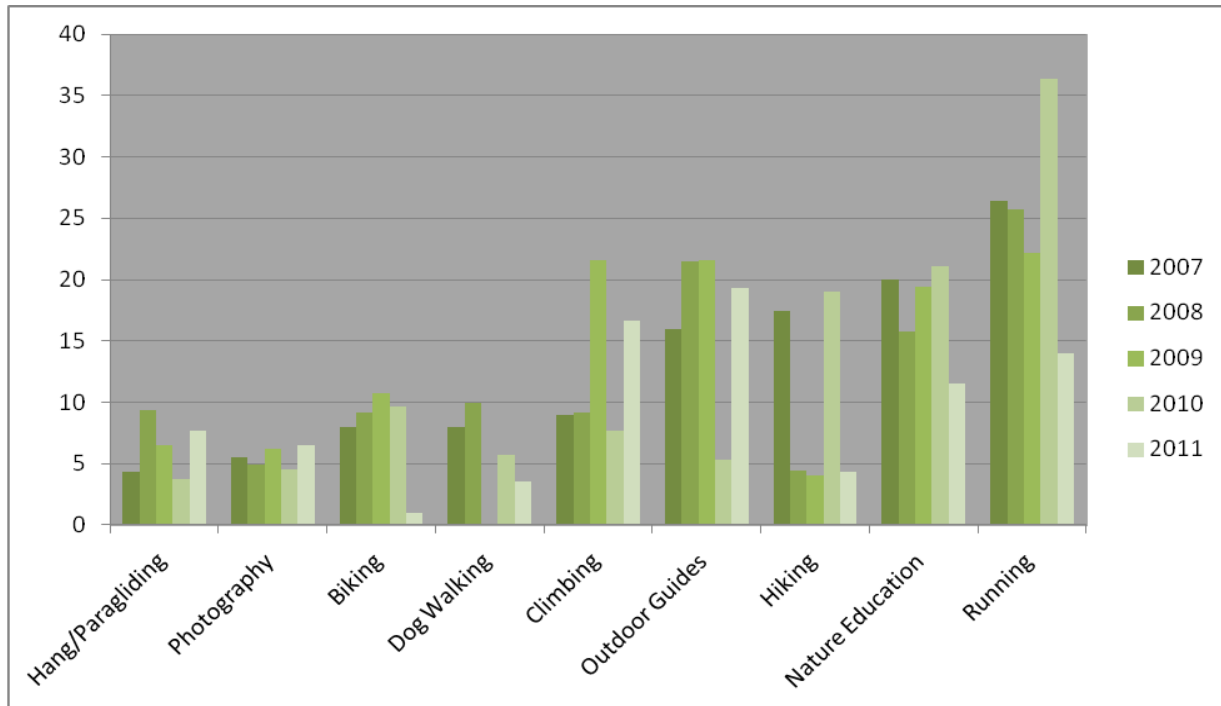


Figure10: Average Group Size by Activity and Year '07-'11

Group sizes have generally remained consistent throughout the five year period. The average group size was 12 or 13 all years except 2011 when the average group size went down to nine.

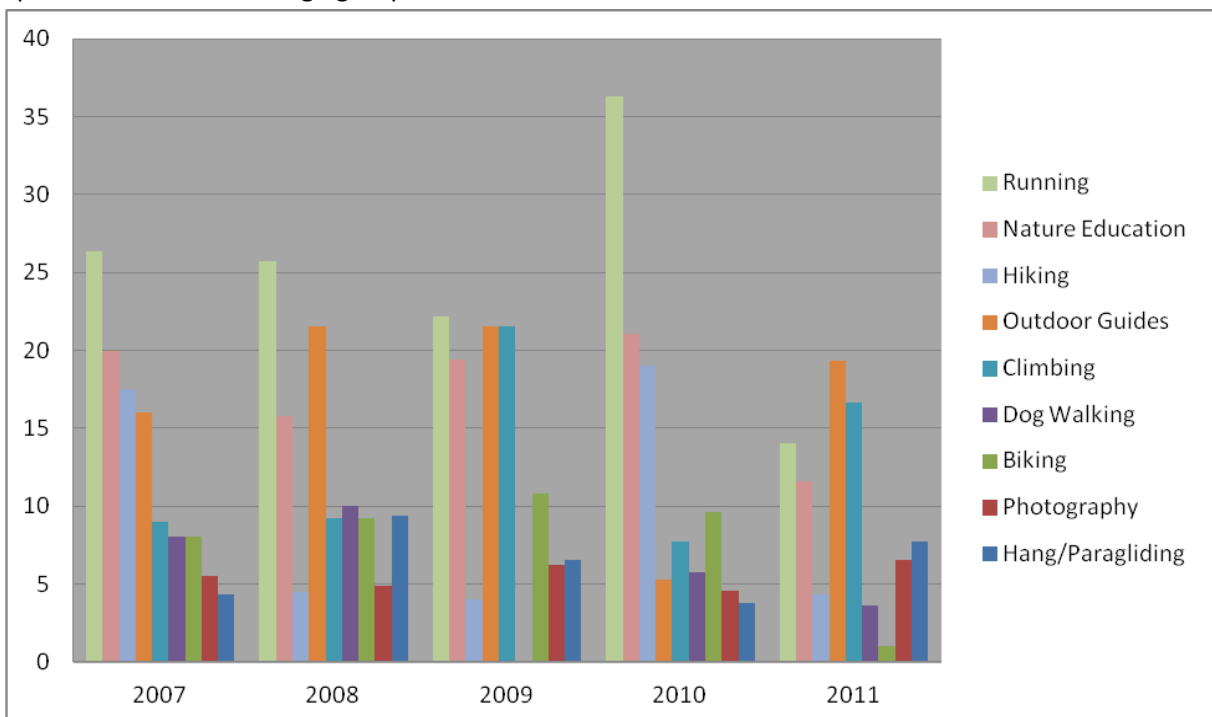


Figure 11: Average Group Size by Year and Activity '07-'11

LARGE GROUP TRIPS AND VISITS

Large groups (over 16 participants) account for between 8% and 32% of the total number of reported commercial trips.

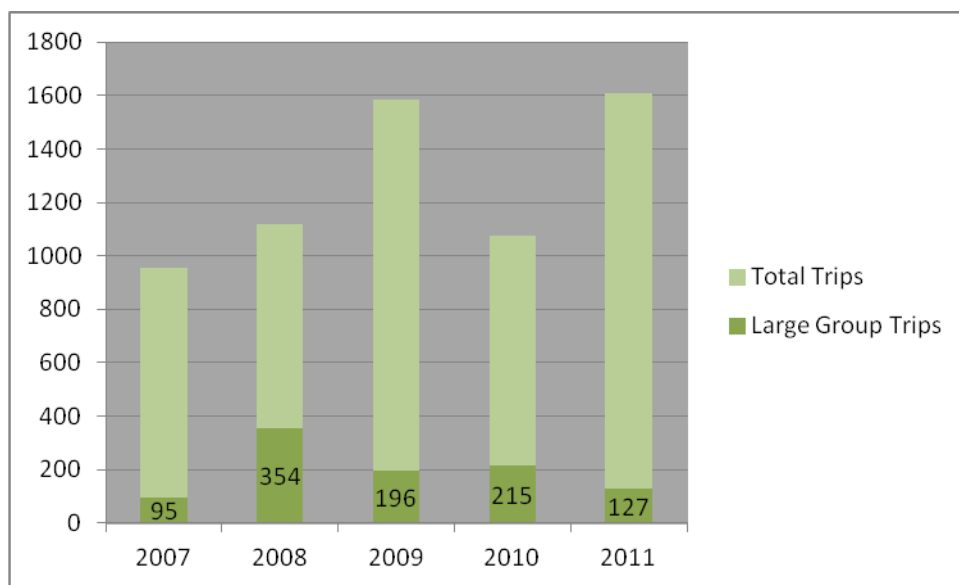


Figure 12: Large Group Reported Trips '07-'11

Large groups account for between 28% and 58% of the total number of reported commercial visits. Commercial use large groups account for between .07% and .2% of the total number of visits to OSMP⁶.

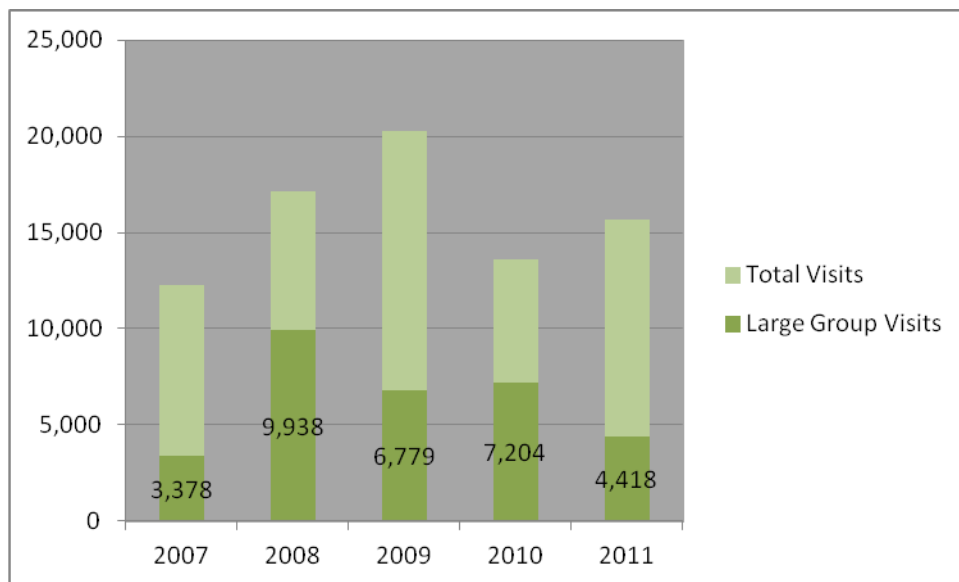


Figure 13: Large Group Reported Visits '07-'11

⁶ Based on the 4.7 million person visit estimation in the 2004-2005 OSMP Visitation Study.

Nature education had the most large group trips to OSMP every year except 2008 when running had more. Hiking consistently had the second most large group trips to OSMP.

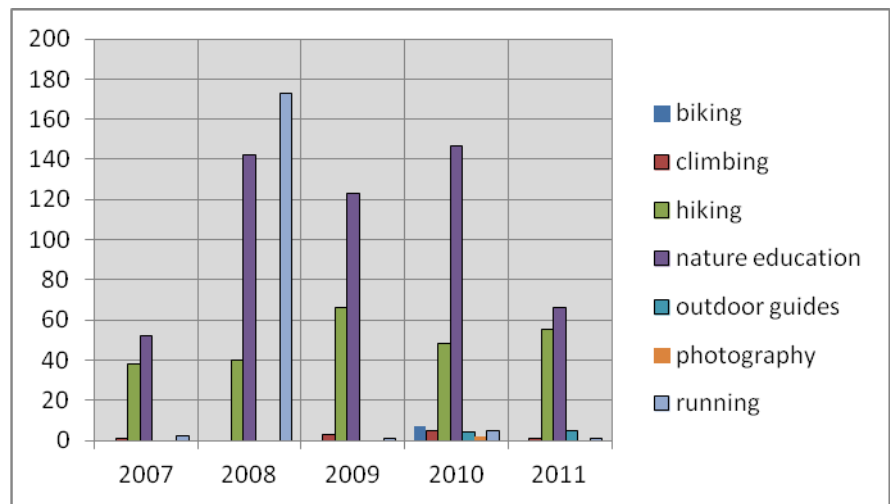


Figure 14: Large Group Trips by Year and Activity

The large group visits resembles the large group trip data.

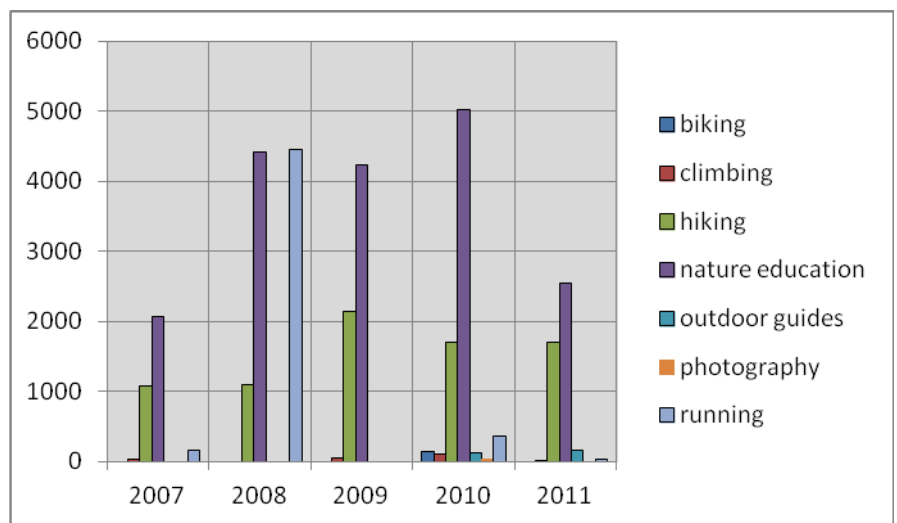


Figure 15: Large Group Visits by Year and Activity

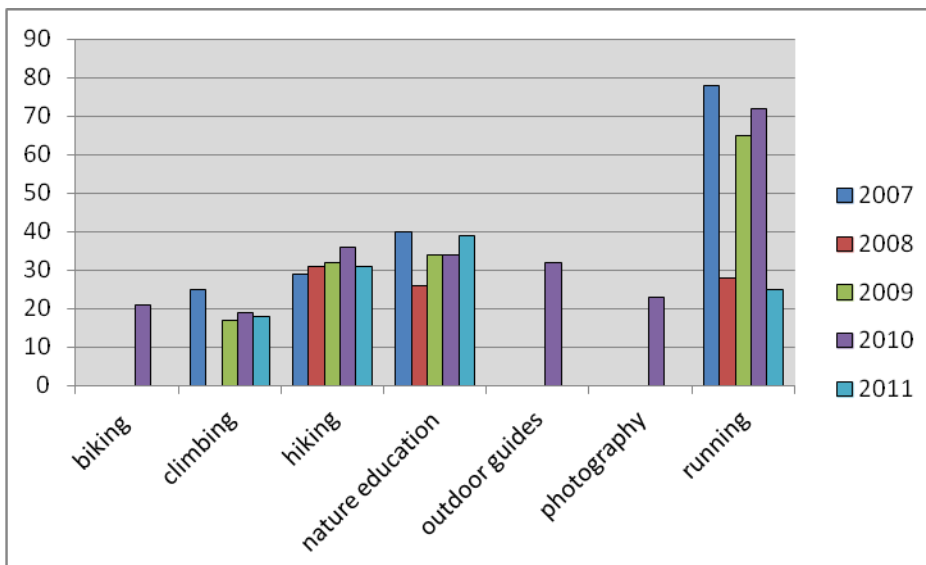


Figure 16: Average Large Group Size

Running had the largest group size for several years. Hiking and Nature education had consistent and similar average group sizes of around 30-40 participants.

ANALYSIS & RECOMMENDATIONS

The following analysis evaluates how the Commercial Use Permit Program is meeting the goals of 1) minimizing the impact of commercial activity on natural and other resources, 2) minimizing the impact of commercial activity on the visitor experience, and 3) making the permit application relatively simple and convenient, easy to administer, and accurately track and identifies issues and program components that can be improved. The analysis will be used to evaluate the alternatives for the future of the Commercial Use Permit Program.

ALTERNATIVES

- 1) Continue the Commercial Use Permit Program as is – no modifications.
- 2) Continue the Commercial Use Permit Program with modifications.
- 3) Discontinue the Commercial Use Permit Program.

Table 4: Alternative Recommendation

RECOMMENDATION & RATIONALE

Continue the Commercial Use Permit Program with modifications. The following analysis illustrates the Program is effective in meeting all of the program goals; however, several issues and potential improvements were also identified. By continuing the Program, OSMP will continue to support commercial operators who provide an important community service and assist in meeting OSMP's goal of connecting people with nature. While continuing the Program as is – no modifications, would generally continue to meet the goals of the program, this alternative does not address the issues raised by the following analysis where modifications could improve service delivery. An adaptive approach will enable staff to build upon the successes of the Program and address the components that can be improved. The alternative to discontinue the Program will not meet the stated goals of the Program; commercial use would be undocumented, and extra protections to both the natural resources and the visitor experience would be diminished.

MEETING PROGRAM GOAL 1: MINIMIZE THE IMPACT OF COMMERCIAL ACTIVITY ON NATURAL AND OTHER RESOURCES

Many of the terms and conditions are aimed at minimizing the impact of commercial activity on natural resources. For a list of these terms and conditions please see Appendix E: Terms and conditions aimed at minimizing the impact of commercial activity on natural resources and the visitor experience.

What's Working

Terms and conditions that apply to all permit holders.

The terms and conditions that apply to all permit holders make explicit and remind permit holders of OSMP's rules and regulations relevant to protecting natural resources, and reiterate that the permit does not grant any exemption from OSMP rules and regulations. Together the terms and conditions adequately protect natural resources and sufficiently minimize the impact of commercial activity on natural and other resources.

Large group requirements.

Trip description.

The requirement for operators with trips with more than 16 participants to describe each trip, including all pertinent details allows OSMP staff to direct activity to areas which can best accommodate the activity, minimizing resource impacts.

On trail requirement.

The requirement for groups of 16 or more participants to remain on designated trails significantly reduces the potential impact to natural resources.

What Could be Improved

Limited permit holders additional terms and conditions.

Limited permit holders have less of an impact than Annual permit holders because they are limited to 50 or less visits annually. Additional terms and conditions are also placed on Limited permit holders, the idea is that not only are there fewer visits, but that those visits have less of a potential impact.

On-trail requirement.

Given the low number of visits generated by Limited permit holders (the maximum number of permissible visits by Limited permit holders ranged from 800-2000 during 2007-2011) especially when compared to the system-wide visitation estimate of 4.7 million visitors per year (2004-05 OSMP Visitation Study), the on-trail requirement is not likely to significantly reduce the impacts to natural resources. This requirement may however create barriers to compliance as some activities, by their nature, are unable to stay totally on-trail and are therefore technically ineligible for a Limited permit; making obtaining a commercial use permit significantly more expensive and/or cost prohibitive. In addition, it is unlikely that all Limited permit holders are meeting this requirement.

Pack out trash requirement.

OSMP provides amenities such as trash cans to all OSMP visitors, except Limited permit holders.

On-leash requirement.

The on-leash requirement may preclude commercial operators who have less than 50 visits per year from obtaining a Limited permit. This could include off-leash dog training.

Table 5: Recommendations regarding the terms and conditions aimed at minimizing the impacts of commercial use on natural resources

RECOMMENDATION & RATIONALE	
Eliminate the additional terms and conditions for Limited permit holders: (Retain the condition that group size will always be 16 or fewer.)	<p><u>On trail requirement:</u> Requiring commercial use operators who have the smallest number of visits to OSMP, (so far less than 2,000 annually) to stay on trail is not an effective strategy to protect natural and other resources. The OSMP rules and regulations and terms and conditions that apply to all commercial use permit holders adequately minimize the impact of commercial activity on natural and other resources. OSMP will continue to recommend that activity occur on designated trails, as recommended for all visitors. Removing this addition requirement will also reduce the barriers to compliance; operators who otherwise meet the Limited permit requirements (have less than 50 visits annually) will now be able to purchase a Limited permit, making obtaining a commercial use permit more affordable.</p> <p><u>Pack out trash requirement:</u> The amount of trash generated by Limited permit holders is unlikely to require additional facilities or maintenance.</p> <p><u>On-leash requirement:</u> Limited permit holders will be required to comply with all OSMP dog regulations. Dogs and their guardians must abide by the rules established by the Voice and Sight Tag program. Removing this requirement will allow operators who otherwise meet the Limited permit requirements to purchase a Limited permit, making obtaining a commercial use permit more affordable.</p>

MEETING PROGRAM GOAL 2: MINIMIZE THE IMPACT OF COMMERCIAL ACTIVITY ON THE VISITOR EXPERIENCE

Many of the terms and conditions are aimed at minimizing the impact of commercial activity on the visitor experience. For a list of these terms and conditions please see Appendix E: Terms and Conditions aimed at minimizing the impact of commercial activity on natural resources and the visitor experience.

What's Working

Terms and conditions that apply to all permit holders

The terms and conditions that apply to all permit holders make explicit and remind permit holders of OSMP's rules and regulations, and reiterate that the permit does not grant exclusive use. Together the terms and conditions adequately minimize the impact of commercial activity on the visitor experience.

Large group terms and conditions

The terms and conditions that apply to trips with more than 16 participants do a good job of mitigating potential conflicts and reiterating the importance of good trail etiquette.

Trip Description

The requirement for operators of trips with more than 16 participants to describe each trip allows OSMP staff to direct activity to areas which can best accommodate the activity, minimizing impacts to other visitors. This pre-trip information also enables staff to disperse the applicants if multiple groups are planning trips to the same area, thereby helping to ensure the desired visitor experience of the applicant is met.

What Could be Improved

Large group size limit

At the May 11, 2011 OSBT meeting where the board heard an update on the Program, a concern was expressed that the impacts to the visitor experience vary depending on what activity the groups of 16 are engaged in. For example, a board member expressed concerns that 16 bikers passing take up more space and travel at faster speeds than 16 hikers or runners. It was suggested that in order to account for the varying impacts to the visitor experience different group size limits could be established for different activities.

Table 6: Recommendations regarding the terms and conditions aimed at minimizing the impacts of commercial use on the visitor experience

RECOMMENDATION & RATIONALE	
Retain the group size limit of 16 ⁷ people for all activities; do not establish different group size limits for different activities.	<p>Impacts to the visitor experience can and will vary widely for many different reasons. It is difficult to determine how group size, activity type, or any other singular factor impacts the visitor experience without considering all the ways that a particular visitor experience could be affected. For example, a single biker may be "impacted" again and again by groups of hikers or runners. Because hikers and runners tend to move slower, and the biker is likely to encounter more groups due to the increased speed, the biker may have a longer interruption (and more interruptions) than a hiker getting passed by 16 bikers.</p> <p>When determining the likelihood of experiencing recreation conflict on the trail, the</p>

⁷ The group size limit of 16 was selected to accommodate operators with a 15 passenger van and an addition person or instructor who may meet the group in the field. During the VMP process staff heard repeatedly from operators that the 15 passenger van was their practical standard for meeting their financial needs.

RECOMMENDATION & RATIONALE	
	<p>behavior of other visitors is the defining factor.(Carothers, P., Vaske, J.J. & Deonnelly, M.P. , 2001)⁸ Continuing to communicate specific behavioral guidelines to commercial operators, such as riding or running single file, and appropriate trail etiquette, will be a more effective strategy in mitigating impacts to the visitor experience.</p> <p>Staff currently reviews each trip requesting more than 16 participants and determines what additional permit-specific conditions apply. Some examples of permit-specific conditions include: maintain a single file, break into smaller groups, control their speeds at all times (for cyclists).</p>

MEETING PROGRAM GOAL 3: MAKE THE PERMIT APPLICATION RELATIVELY SIMPLE AND CONVENIENT, EASY TO ADMINISTER AND ACCURATELY TRACK.

Please refer to the Background section for a description of the application and reporting process.

What's Working

Annual reports

The annual reports work relatively well in tracking the amount of commercial use occurring on OSMP lands.

What Could be Improved

Pre trip reporting

The pre trip reporting, which is part of the application process is time consuming for the applicant and often results in the collection of inaccurate data. Applicants do not know the group size, the trails to be used, time of day, and type of activity for every trip they will take in the upcoming year. This also gives a false impression that OSMP knows in advance the amount of commercial activity occurring on the system at any given time.

On –line application

The on-line application experiences a lot of technical issues that result in inefficiencies for both applicants and staff. The online application is also difficult for some applicants to navigate.

Payment and refunds

Applicants are required to submit the application, payment, proof of insurance, and affidavit before OSMP reviews the application. There are no refunds. There have been occasions where a permit has been denied, but yet the applicant had to pay for the permit.

General liability insurance requirements

The general liability insurance requirements are the same for all types of commercial use operators and are difficult for some small commercial operators to afford. The general liability insurance requirements have been described as a barrier to compliance especially by photographers.

Table 7: Recommendations regarding the goal to make the permit application relatively simple and convenient, easy to administer and accurately track

⁸ Carothers, P., Vaske, J.J. & Donnelly, M.P. (2001). Social values versus interpersonal conflict among hikers and mountain bikers. *Leisure Sciences*, 23(1), 47-61.

RECOMMENDATIONS & RATIONALE		
Pre-trip reporting	Replace the detailed pre-trip reporting with more general pre-trip reporting. Commercial operators will be required to submit an estimated number of annual trips and visits along with the area(s) they intend to visit (area(s) will be chosen from a list of geographically defined areas).	<p>The general information regarding the intended area(s) of visitation will allow staff to redirect the activity if necessary. For example, in the event of a temporary closure or restriction, staff will be able notify the commercial operators possibly intending to visit the area, and assist in redirecting the trip to an area that can best accommodate the activity.</p> <p>The estimated number of trips and visits will allow staff to identify a large increase of activity, and proactively address any concerns.</p> <p>Eliminating the detailed pre-trip reporting will make the application process more simple and less time consuming for the applicant.</p>
On-line application	Redesign the on-line application and associated database.	<p>A redesign of the on-line application will make the application process more simple and less time consuming.</p> <p>A redesign of the database will enable staff to more accurately track the activity. Although there will be a cost associated with redesigning the on-line application and associated database the efficiencies gained along with the ongoing reduction of administrative staff time will offset the initial cost.</p>
Payment and refunds	A \$25 non-refundable application fee will be required with the application materials. It will automatically be applied toward the cost of the permit if approved.	An application fee will enable OSMP to partially recover the cost of staff time to review an application that is denied without charging the applicant the entire cost of a permit, which in the case of Annual permits can be up to \$300.
General liability insurance requirements	The same insurance requirements will not apply to all commercial operators. Photographers will be required to carry general liability insurance in the amount of \$300,000 per occurrence all other commercial operators will be required to carry general liability of the amount of \$1,000,000. These amounts will be reviewed periodically to ensure they continue to comply with city requirements.	Photography carries a lower risk than the other activities commercial use operators are engaged in. A lower general liability amount will lower the cost of insurance for photographers, thereby reducing one of the barriers to their compliance. A lower general liability amount is acceptable to the city's attorney's office.
Cost and Revenue	Do not increase the fees for commercial use permits.	Although the revenue from the program does not cover the cost of administration, full cost recovery was never a goal of the program. In addition, the recommendations to simplify the pre-trip reporting and redesign the on-line application and associated database will reduce the staff time necessary to administer the program.

APPENDIX A: COMMERCIAL OPERATORS 2007-2011

ORGANIZATION	TYPE OF PERMIT	ORGANIZATION TYPE	YEARS ISSUED
2020 Photography / Digital Bytes Productions	event	profit	2009
Alpine Endeavors	limited	profit	2010
Alpine Productions, LLC dba Rocky Mountain Guides	limited	profit	2011
Altogether Outdoors Summer Camps	annual	profit	2007, 2008, 2009, 2010, 2011
American Mountain Guides Association	annual	non-profit	2007, 2008, 2009, 2010, 2011
American Recreation Products	annual	profit	2010 , 2011
Andrews, Bicknell, Crothers, LLC	annual	profit	2007
Ania Mikol Photography	limited	profit	2010
Apex Ex	annual	profit	2008, 2009, 2010, 2011
Apex, Inc., dba Apex Mountain School	limited	profit	2007 , 2009, 2010
Armitage Photography	limited	profit	2007
Avenstar Productions	limited	profit	2011
Avey Portraits	annual	profit	2007
Avid4 Adventure, Inc.	annual	profit	2007, 2008, 2009, 2011
BCOR Fitness for Everyone	annual	profit	2007
Bennet for Colorado	limited	non-profit	2010
Bonnier Corporation: Warren Miller Entertainment	limited	profit	2008, 2011
Boulder Bike Tours, LLC	annual	profit	2011
Boulder Community Media (BCM)	limited	non-profit	2009
Boulder County Nature Association	annual	non-profit	2007, 2008, 2009, 2011
Boulder County Nature Association	limited	non-profit	2010
Boulder Running Camps	annual	profit	2007, 2008, 2009, 2010, 2011
Boulder Striders Inc	annual	profit	2008 , 2009
Boulder Valley Cycling Alliance dba Boulder Junior	annual	non-profit	2008 , 2009, 2011
Boulder Wilderness Shuttle LLC; dba Colorado Wilde	limited	profit	2009
Boulder Wilderness Shuttle LLC; dba Colorado Wilde	annual	profit	2010 , 2011
Brian Bailey Photography	limited	profit	2010
Canam	limited	profit	2011
Candy Apple Photography, Inc.	limited	profit	2008 , 2009
Carmichael Photography	limited	profit	2009
Certified Guides Cooperative	annual	profit	2008 , 2009, 2011
Chase Jarvis Inc.	limited	profit	2007
Chris Sharber Photography	limited	profit	2009
Christina Kiffney Photography	limited	profit	2008 , 2009, 2010
Climbing For Life	limited	non-profit	2009 , 2010

ORGANIZATION	TYPE OF PERMIT	ORGANIZATION TYPE	YEARS ISSUED
Climbing For Life	annual	non-profit	2011
Climbing International LLC, DBA The Colorado Climb	limited	profit	2010
ClimbingLife Guides	limited	profit	2009, 2010
CNN/PSYOP	event	profit	2008
CO Mtn College	annual	non-profit	2008
Colorado Alpine Adventures	limited	profit	2011
Colorado House International, LLC	limited	profit	2010
Colorado Mountain Club	annual	non-profit	2007, 2008, 2009, 2010, 2011
Colorado Mountain School/Boulder Rock Club	annual	profit	2007, 2009, 2009, 2010, 2011
Competitor Magazine	limited	profit	2011
Contra Service SL	annual	profit	2011
Crispin Porter + Bogusky	limited	profit	2008
Crocs, Inc.	limited	profit	2011
CU Science Discovery	annual	non-profit	2007, 2008, 2009,2010, 2011
D3 Multisport	limited	profit	2011
Darlow Smithson	limited	non-profit	2011
David M Page, DBA DMPage Images	limited	profit	2010, 2011
Davies Creative Workshops	limited	profit	2011
De Frisco Photography	limited	profit	2010
Denver Mountain Guiding	limited	profit	2011
Devon Hiking Spa- Fit Health into Life	annual	profit	2011
Dozier Photography	limited	profit	2007
Duncan Coop Ltd / National Geographic Television	limited	profit	2011
Ekstasis Entertainment	limited	profit	2011
Emyrah Photography	limited	profit	2011
Exempla West Pines Training Center	limited	non-profit	2007
Extended Studies - Naropa University	annual	non-profit	2007, 2008
Exum Mountain Guides	limited	profit	2009, 2010, 2011
FastForward Sports, LLC	annual	profit	2007, 2009, 2010, 2011
Femme FITale, LLC	limited	profit	2007
Fitness for Living.	annual	profit	2009, 2010, 2011
Flourish Studio Photography	limited	profit	2009
Four In Hand, Inc	limited	profit	2008
Front Range Anglers Fly Shop	annual	profit	2010, 2011
Front Range Climbing Company	annual	profit	2011
Front Range Community College- Hiking Class	limited	non-profit	2010, 2011
Futuristic Films	annual	profit	2009
Gaiam Inc.	limited	profit	2008
Glen Delman Photography	limited	profit	2011
Golf Channel	limited	profit	2011

ORGANIZATION	TYPE OF PERMIT	ORGANIZATION TYPE	YEARS ISSUED
Granger Banks	annual	profit	2007, 2008, 2009, 2010, 2011
HERA Foundation	limited	non-profit	2010, 2011
HGTV's My First Sale - High Noon Entertainment	limited	profit	2009
Homestead Films	limited	profit	2010
House Hunters	limited	profit	2010
Humane Society of Boulder Valley Training Center	annual	non-profit	2007, 2008
Into the Wind	annual	profit	2007
Intrepid Adventure Sports	limited	profit	2011
It Girl Design - Denver Life Magazine	limited	profit	2010
Jack & Diane Productions LLC	event	profit	2010
Jackson Hole Mountain Guides - Boulder	annual	profit	2011
Jason Innes Photography	limited	profit	2011
Jeff Galloway Marathon Program Boulder-Westminster	limited	profit	2009
Jesse La Plante Photography	limited	profit	2010
Joanna B Pinneo Photography	limited	profit	2007, 2009
Joe Van Os Photo Safaris	annual	profit	2007, 2008, 2009, 2010, 2011
Joseph Hancock Studio, Inc.	limited	profit	2008
Julie Anne Moore	limited	profit	2011
Julie Kate Photography	limited	profit	2011
Kiefel Photography	limited	profit	2010, 2011
Kriyas Media, LLC	limited	profit	2011
Lake Eldora Racing Team Association/Singletrack Mo	annual	non-profit	2007, 2008, 2009, 2010, 2011
Laurel Wells, Inc.	event	profit	2011
Leader Of The Pack, LLC	annual	profit	2011
Learn to Return	event	profit	2008
Learn to Return	limited	profit	2009
Life Exposed Photography	limited	profit	2011
Louisville Recreation/Senior Center	annual	non-profit	2007
Marla Rutherford Photography	annual	profit	2011
Millington Productions	limited	profit	2007
Mind's Eye LLC	event	profit	2011
Monkey Monks and Aerial Ariels	annual	non-profit	2011
Morningstar Entertainment	limited	profit	2010
Moxie Media Group	limited	profit	2007
Moxie Pictures	event	profit	2010
Mrs. K	limited	profit	2007
Nathan Welton	limited	profit	2009
Neve Designs	limited	profit	2008
NHK Cosmomedia America, Inc	limited	profit	2010
Northfield Mount Hermon School - Alumni	event	non-profit	2010, 2011

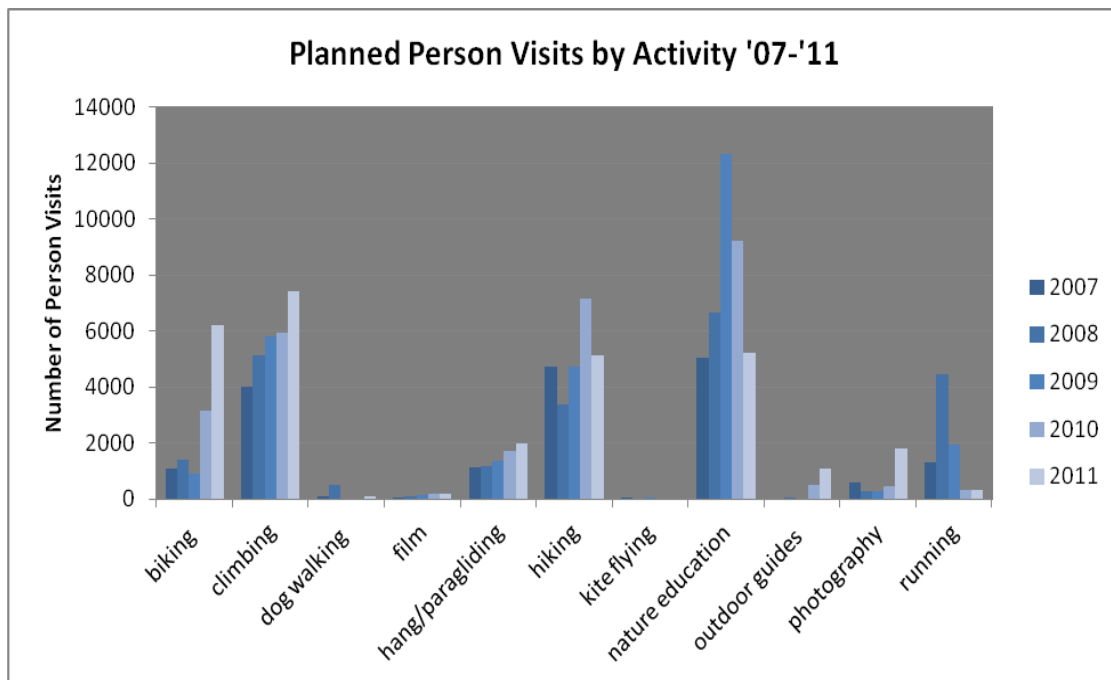
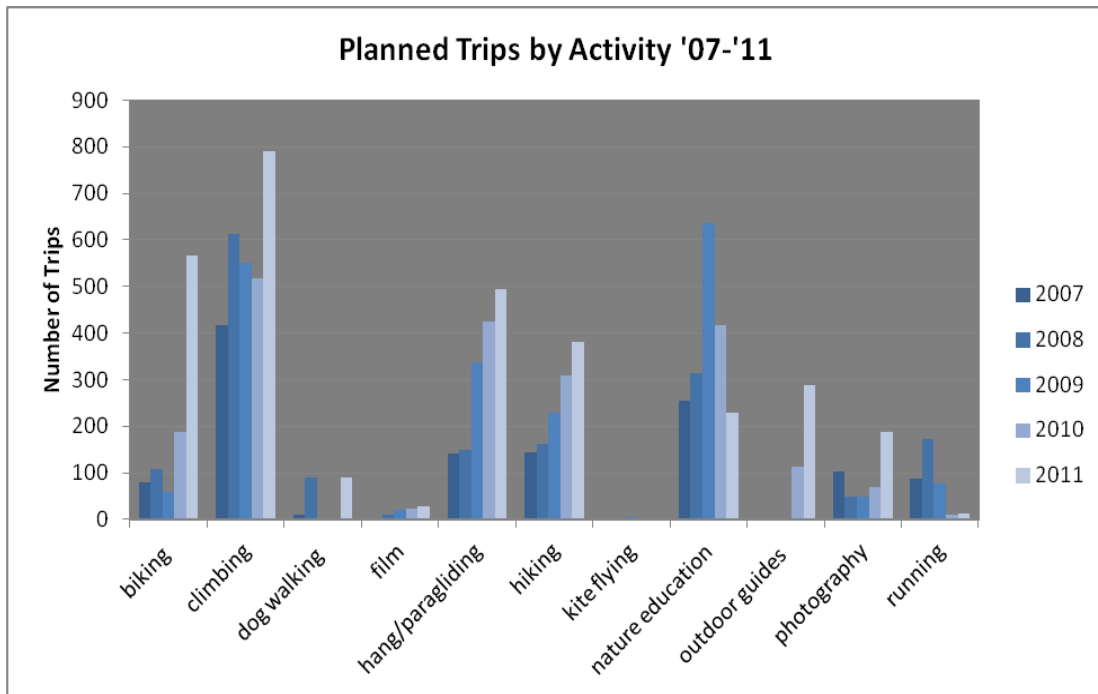
ORGANIZATION	TYPE OF PERMIT	ORGANIZATION TYPE	YEARS ISSUED
Associatio			
Oliver Photography	limited	profit	2007, 2008, 2009, 2010, 2011
Outdoor DIVAS	annual	profit	2007, 2008
Outdoor DIVAS	limited	profit	2009
Outdoor Leadership Training Seminars	annual	profit	2007, 2008
Outdoor Recreation--Denver Parks & Recreation	limited	profit	2008
Outward Bound, Inc	annual	non-profit	2007, 2010, 2011
Peak Mountain Guides LLC	limited	profit	2011
Peak to Peak Paragliding LLC	annual	profit	2007, 2008, 2009, 2010, 2011
Peter Holcombe Photography	annual	profit	2009
Peter Holcombe Photography	limited	profit	2010, 2011
Phoenix Multisport Inc	annual	non-profit	2011
Pioneer Productions TV	limited	profit	2008, 2009, 2010,2011
Red Robot, Inc.	limited	profit	2008
Renaissance Adventures LLC	annual	profit	2007, 2008, 2009, 2011
RLT, Inc. dba The World Outdoors	limited	profit	2007, 2008, 2009, 2010, 2011
Rocky Mountain Royal School of Church Music	limited	non-profit	2007
Rocky Mountain School of Photography	limited	profit	2010, 2011
Scaglia Visuals LLC	limited	profit	2011
Sedna Films	limited	profit	2010
Serac Adventure Films	annual	profit	2008
South Suburban Parks & Recreations District	limited	non-profit	2007
Sports Authority	annual	profit	2010
State of Colorado, Department of Higher Education,	limited	non-profit	2010, 2011
Stephanie Cohen Productions	limited	profit	2010
Studio Two Twenty LLC	limited	profit	2009, 2010
Stylecraft/Asics Fall Catalog	limited	profit	2008
Sunrise Anglers LLC	limited	profit	2011
The Bob Culp Climbing School	annual	profit	2008
The Fountain Studio	event	profit	2011
The Spot Bouldering Gym	annual	profit	2007, 2008, 2009, 2010, 2011
The Women's Wilderness Institute	annual	non-profit	2007, 2008, 2009, 2010, 2011
Theatre-Hikes Colorado	annual	non-profit	2009, 2010, 2011
Thorne Nature Experience	annual	non-profit	2007, 2008, 2009, 2010, 2011
Trystan Photography	limited	profit	2010, 2011
Tyler Stableford Photography	annual	profit	2010
UNAVCO	annual	non-profit	2008
Under Armour	limited	profit	2010
Unitus Productions	limited	profit	2007
Wahoo Media, Inc.	limited	profit	2009, 2010

ORGANIZATION	TYPE OF PERMIT	ORGANIZATION TYPE	YEARS ISSUED
West End Photography, Inc.	limited	profit	2007, 2008, 2009, 2010, 2011
Westphal West	limited	profit	2007, 2008, 2011
Wild Bear Center	annual	non-profit	2007, 2008, 2009, 2010, 2011
Wilderness Medicine Institute of NOLS	annual	non-profit	2008, 2009, 2010, 2011
YMCA of Boulder Valley	annual	non-profit	2010, 2011

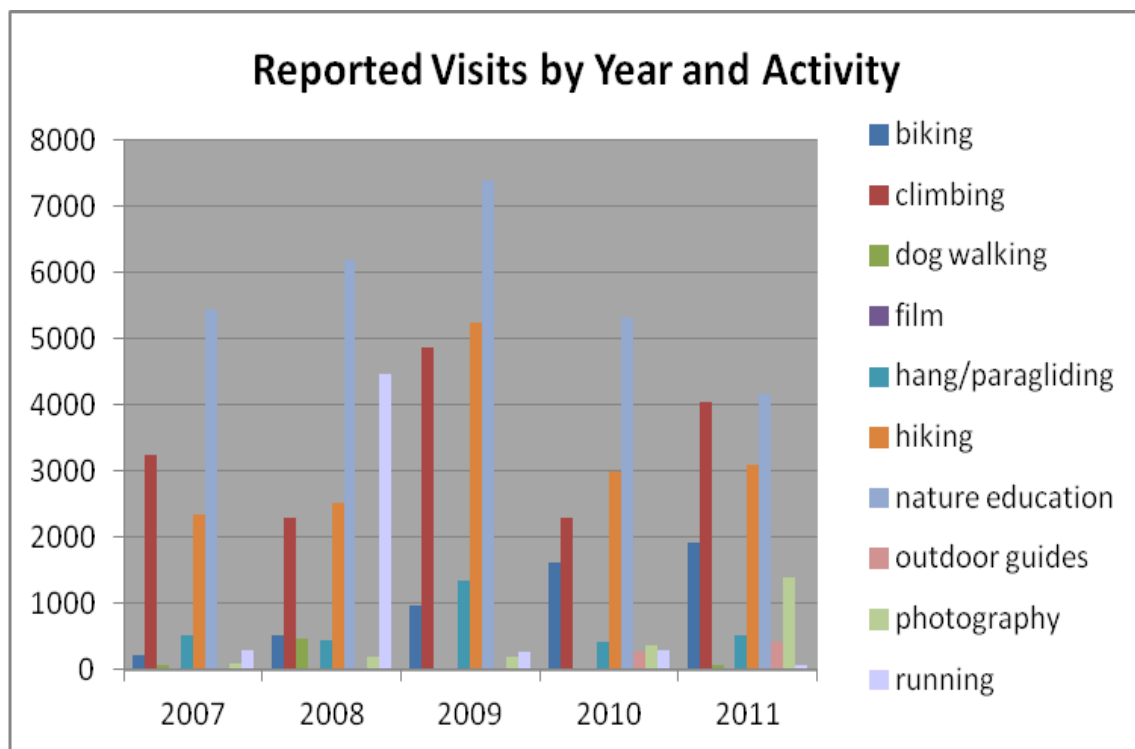
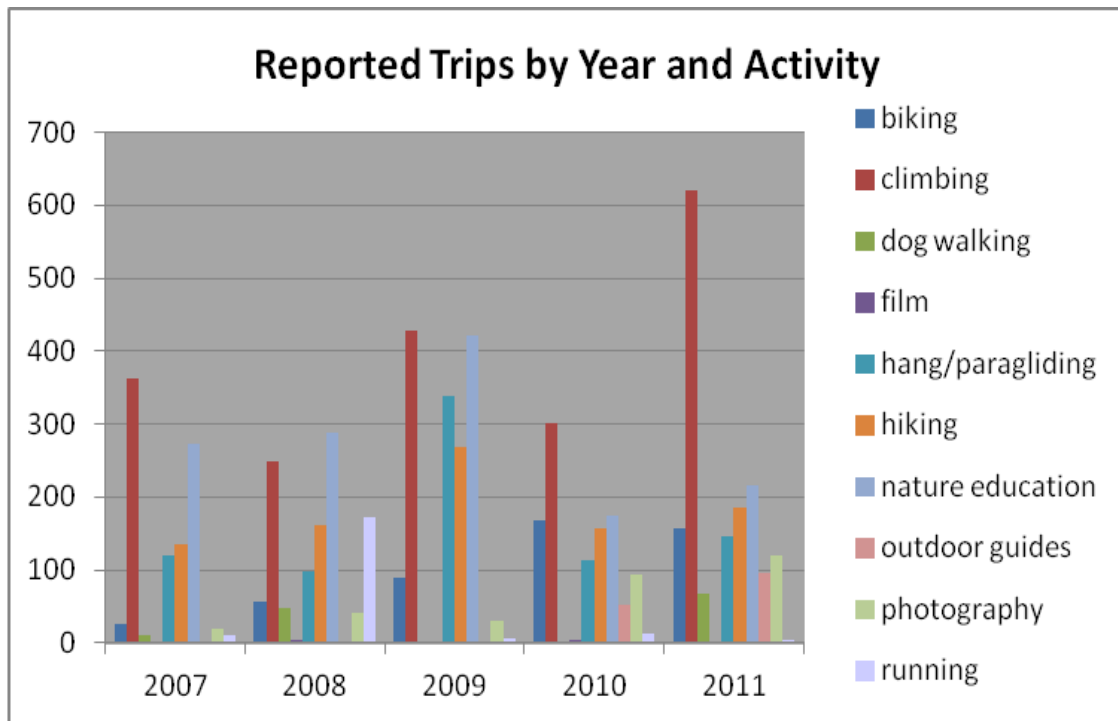
APPENDIX B: PLANNED AND REPORTED TRIPS AND VISITS DATA

Planned Trips												
	Biking	Climbing	Dog Walking	Film	Hang/Para gliding	Hiking	Kite Flying	Nature Education	Outdoor Guides	Photography	Running	Total
2007	81	416	10	3	142	143	3	256	0	103	87	1,244
2008	109	613	89	9	149	162	0	314	1	48	173	1,667
2009	60	552	0	20	338	228	4	635	0	49	77	1,963
2010	188	518	0	24	426	309	0	417	114	69	11	2,076
2011	566	791	91	28	495	381	0	230	289	187	12	3,070
Reported Trips												
	Biking	Climbing	Dog Walking	Film	Hang/Para gliding	Hiking	Kite Flying	Nature Education	Outdoor Guides	Photography	Running	Total
2007	26	363	10	0	119	134	0	272	1	19	11	955
2008	56	249	47	3	98	162	0	288	0	41	173	1,117
2009	89	427	0	2	338	269	0	422	0	31	7	1,585
2010	168	301	0	4	113	158	0	174	51	93	12	1,074
2011	156	621	68	0	145	185	0	215	95	120	5	1,610
Planned Visits												
	Biking	Climbing	Dog Walking	Film	Hang/Para gliding	Hiking	Kite Flying	Nature Education	Outdoor Guides	Photography	Running	Total
2007	1072	3,996	80	29	1,112	4,706	15	5,026	0	606	1,310	17,952
2008	1380	5,112	512	82	1,190	3,397	0	6,635	2	271	4,455	23,036
2009	916	5,786	0	127	1,352	4,718	64	12,317	0	284	1,960	27,524
2010	3136	5,937	0	180	1,699	7,164	0	9,197	521	470	316	28,620
2011	6206	7,410	91	178	1,980	5,143	0	5,233	1,090	1,785	336	29,452
Reported Visits												
	Biking	Climbing	Dog Walking	Film	Hang/Para gliding	Hiking	Kite Flying	Nature Education	Outdoor Guides	Photography	Running	Total
2007	208	3251	80	0	515	2,351	0	5,442	16	105	290	12,258
2008	514	2287	470	28	436	2,526	0	6,197	0	200	4,455	17,113
2009	960	4855	0	13	1,352	5,230	0	7,376	0	193	276	20,255
2010	1615	2295	0	23	424	3,004	0	5,309	269	381	299	13,619
2011	1926	4052	68	0	520	3,080	0	4,161	410	1,389	70	15,676

APPENDIX C: PLANNED TRIPS AND VISITS BY ACTIVITY



APPENDIX D: REPORTED TRIPS AND VISITS BY YEAR AND ACTIVITY



APPENDIX E: TERMS AND CONDITIONS AIMED AT MINIMIZING THE IMPACTS OF COMMERCIAL ACTIVITY TO NATURAL RESOURCES AND THE VISITOR EXPERIENCE

MINIMIZING THE IMPACTS TO NATURAL AND OTHER RESOURCES

The following terms and conditions are aimed at minimizing the impact of commercial activity on natural and other resources and apply to all commercial use permit holders.

- Operator and participants are required to comply with all OSMP rules and regulations.
- Group size cannot exceed what has been approved by OSMP.
- Operator must obtain additional permission from OSMP to have groups of more than 16 people.
- Operator is responsible for communicating Frontcountry Leave No Trace principles and permit terms and conditions to all participants. Frontcountry Leave No Trace principles (relevant to protecting natural resources) include:
 - Manage Your Dog
 - Pick Up Poop
 - Trash Your Trash
 - Leave It As You Find It
 - Stick To Trails
- Permits do not grant permission to enter or conduct activities in areas that are permanently or temporarily restricted or closed.
- No improvements of trail alterations of any kind, temporary or permanent, are authorized without written permission from OSMP. No building, sign, equipment, other property, cultural site, historic structure, natural land feature, vegetation, or wildlife may be destroyed, defaced, removed, or disturbed.
- Permit holders who bring people off of designated trails in Habitat Conservation Areas will need to have an off-trail permit.

The following additional terms and conditions are aimed at minimizing the impact of commercial activity on natural resources and apply to Limited Permit holders:

- Activity will only occur on designated trails. Climbing groups are authorized to guide on climbs with designated access trails.
- Group size will always be 16 or fewer.
- Dogs will always be on leash (if permitted in area visited).
- All trash will be packed out.

The following additional terms and conditions are aimed at minimizing the impact of commercial activity on natural resources and apply to trips with more than 16 participants:

- Activity will only occur on designated trails.
- Dogs will always be on leash (if permitted in area visited).
- Group leaders should be trained in Leave No Trace principles (Awareness Workshop, Trainer or Master Trainer, or Leave No Trace curriculum in the program).
- Describe each trip on the application form and include all pertinent details.
- Groups with more than 50 participants shall provide a parking, trash and toilet plan.
- Additional permit-specific conditions may apply.

MINIMIZING THE IMPACTS TO THE VISITOR EXPERIENCE

The following terms and conditions are aimed at minimizing the impact of commercial activity on the visitor experience and apply to all commercial use permit holders.

- Operator and participants are required to comply with all OSMP rules and regulations.
- Group size cannot exceed what has been approved by OSMP.

- Operator must obtain additional permission from OSMP to have groups of more than 16 people. (Additional terms and conditions apply to groups with more the 16 participants.)
- Operator is responsible for communicating Frontcountry Leave No Trace principles and permit terms and conditions to all participants. Frontcountry Leave No Trace principles (relevant to protecting the visitor experience) include:
 - Manage Your Dog
 - Share Our Trails
- OSMP lands will generally remain available on a first-come-first-served basis for all visitors.
- Permits do not grant exclusive use of the site. Permittees shall ensure that the rights and privileges of other visitors are recognized and met.
- Operators are not allowed to interfere with other uses of OSMP or other visitors. e.g. Activity will not obstruct trails. Activity will not obstruct access or parking from other visitors.
- No amplified sound or generators will be used.
- No sales or solicitation for sales is to be conducted on OSMP property.

The following additional terms and conditions are aimed at protecting the visitor experience and apply to trips with more than 16 participants (annual or event permits):

- In order to mitigate on-trail conflict, participants will break into groups with 16 or fewer participants upon entering OSMP lands, and practice good trail etiquette including yielding to others.
- Dogs will always be on leash (if permitted in area visited).
- Groups with more than 50 participants shall provide a parking, trash and toilet plan.
- Additional permit-specific conditions may apply.